

Ferreira, Steve

From: Ferreira, Steve
Sent: Tuesday, December 15, 2015 4:08 PM
To: Musumeci, Grace
Cc: Lamster, Stephanie
Subject: RE: Patrick Farms question

I don't believe so, the waiver specifically refers to environmentally sensitive areas and even the ancient guidelines did not mention compliance with other laws.

If the FWS wants to make the case that our approval is somehow an action that requires us to consult with the FWS, I would say they should make that case...I imagine we would refer back to our NEPA document as being the vehicle where that would have been appropriate.

Long story short, I would not even look inside that can of worms at this moment in time. If the applicant does not need a ACE permit I am not sure what recourse there is to bring the ESA into this. Perhaps a reopening of the SEQRA EIS?

From: Musumeci, Grace
Sent: Tuesday, December 15, 2015 3:46 PM
To: Ferreira, Steve; Lamster, Stephanie
Subject: FW: Patrick Farms question
Importance: High

Do we need to rescind the waiver and/or add conditions based on FWS input?

From: Filippelli, John
Sent: Tuesday, December 15, 2015 2:13 PM
To: Musumeci, Grace <Musumeci.Grace@epa.gov>
Cc: Matthews, Joan <Matthews.Joan@epa.gov>; Mitchell, Judy-Ann <Mitchell.Judy-Ann@epa.gov>; Iglesias, Ariel <Iglesias.Ariel@epa.gov>
Subject: FW: Patrick Farms question

Grace,

It looks like there is confusion between environmentally sensitive areas and the Endangered Species Act. Please handle.

Thank you.

John

From: Matthews, Joan
Sent: Tuesday, December 15, 2015 2:11 PM
To: Filippelli, John <Filippelli.John@epa.gov>
Subject: FW: Patrick Farms question

Hi John,
Can someone take a look at this? Not sure if it would be Grace.

Joan

From: Susan Shapiro [<mailto:goshengreenfarms@aol.com>]

Sent: Friday, December 11, 2015 3:59 PM

To: Matthews, Joan; melangold@aol.com; faith@hitoshapirolaw.com; deb@welcomedriver.com

Subject: Patrick Farms question

Dear Joan:

I tried calling you about an issue that has come up about the Patrick Farm, which I don't think the Applicant informed the EPA when submitted its application for a new ESA waiver. Apparently based on the Applicants own reports - areas in which construction will be taken place are also areas where newly named threatened species, the northern long eared bat, have been found.

Please find attached report by Michael Fishman of the Natural Resource Group.

It appears that on January 5, the Town of Ramapo will once again be granting final division approval. Please let me know if the Applicants failure to advise the ESA of the presence of the the threatened species would be a basis for the EPA to suspend or withdraw its ESA waiver.

Thank you for your time and consideration.

Susan Hito Shapiro
(845) 371-2100 office
(845) 596-5403 cell